

REMARKS

Claims 1-3, 7-11, 14-17 are pending in the application. Claims 1, 14, 15 and 16 have been amended. Support for the amendments may be found in the specification as originally filed. No new matter has been added.

CLAIM OBJECTIONS

Claims 1-3, 7-11, 14 and 16 stand rejected because of the following informalities: the limitation "regardless of the orientation of the syringe adapter". Claims 1, 14 and 16 have been amended to include "wherein the rear mounting member is adapted to releasably connect to the syringe retaining mechanism of the injector regardless of the orientation of the syringe adapter with respect to the injector about its longitudinal axis." Reconsideration is requested.

REJECTIONS UNDER 35 USC 102(b)

Claims 15 and 17 stand rejected under 35 USC 102(b) as being anticipated by USPN 5,535,746 Hoover (hereinafter "Hoover"). This rejection should be withdrawn in view of the remarks and amendment made herein.

The Office Action alleges that Hoover teaches "a syringe adapter (FIG 17) comprising, a rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26); and a front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36).

It is well settled that in order for a prior art reference to anticipate a claim, the reference must disclose each and every element of the claim with sufficient clarity to prove its existence in prior art. The disclosure requirement under 35 USC 102 presupposes knowledge of one skilled in art of claimed invention, but such presumed knowledge does not grant license to read into prior art reference teachings that are not there. *See Motorola Inc. v. Interdigital Technology Corp.* 43 USPQ2d 1481 (Fed. Cir. 1997). It is also well-settled that a 35 USC 102 rejection must rest upon the literal teach-

ings of the reference and that the teachings must disclose every element of the claimed invention in as complete detail as is contained in the claim (See *Jamesbury Corp. v. Litton Industrial Products, Inc.* 225 USPQ, 253, 256 (Fed. Cir. 1985); *Kalman v. Kimberly-Clark Corp.* 218 USPQ 781, 789 (Fed. Cir. 1983)).

Claim 15 has been amended to include "wherein the rear mounting member comprises an attachment member extending at least partially around the circumference of a rear end of a syringe and the attachment member adapted to releasably connect to the syringe retaining mechanism of the injector regardless of the orientation of the syringe adapter with respect to the injector about its longitudinal axis"

Hoover discloses that the mounting member that attaches the cylindrical collar 90 to the injector includes lugs 26. These lugs 26 are at least 1 or more and are spaced preferably 180 degrees apart in a pair. Further, Hoover discloses that:

the mounting plate on the front wall of the housing is provided with an essentially cylindrical opening 22 for receiving the proximal end of the syringe. The opening includes at least one, and more preferably, a pair of upper and lower slots 24 through which mounting lugs 26 of the syringe may pass as the proximal end of the syringe is inserted into the opening. The mounting assembly further includes opposed retaining flanges 28 on opposite sides thereof so that after the proximal end of the syringe has been inserted into the opening, and the syringe is rotated clockwise, the mounting lugs on the syringe become engaged behind the retaining flanges to secure the syringe to the housing front wall. During mounting, the rotation of the syringe can be limited by suitable rearwardly projecting stops 30 at adjacent ends of the retaining flanges in the mounting plate. The mounting plate can also include inner annular ring 32 in spaced relationship to the retaining flanges to provide support for the proximal end of the syringe and define semi-annular guide slots 34 for receiving the mounting lugs. (*Emphasis Added*, Col. 4, lines 2-19).

Thus, Hoover discloses the distal end of 90 that has a structure that requires a specific orientation relative to the injector along its longitudinal axis. This is completely different than the novel structure of Applicants' invention of Claim 15. Accordingly, reconsideration is requested.

Claim 17 depends from Claim 15, which as discussed is believed to be allowable, therefore Claim 17 is also believed to be allowable and reconsideration is requested.

REJECTIONS UNDER 35 USC 103

1. Claims 1-3, 7-11, 14 and 16 are rejected under 35 USC 103(a) as being unpatentable over Hoover in view of Trull USPN 5,947,929 hereinafter "Trull". This rejection should be withdrawn in view of the remarks made herein.

It is well settled that to establish a *prima facie* case of obviousness, the USPTO must satisfy all of the following requirements. First, the prior art relied upon, coupled with the knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or to combine references. *In re Fine*, 5 USPQ2d 1596, 1598 (Fed. Cir. 1988). Second, the proposed modification does not have a reasonable expectation of success, as determined from the vantage point of one of ordinary skill in the art at the time the invention was made. *Amgen v. Chugai Pharmaceutical Co.* 18 USPQ 2d 1016, 1023 (Fed Cir, 1991), *cert. denied* 502 U.S. 856 (1991). Third, the prior art reference or combination of references must teach or suggest all of the limitations of the claims. *In re Wilson*, 165 USPQ 494, 496, (CCPA 1970).

Office Action alleges that Hoover teaches a syringe adapter (FIG 7) comprising, a rear mounting member (proximal end of 90) to connect to a syringe retaining mechanism of an injector (Fig 1), comprising an attachment member (66) and projections (26); and a front mounting member with capture member (distal end of 90, threads or snap-fit arrangement) to engage a corresponding mounting member (threads) associated with a syringe (36).

Hoover discloses a cylindrical collar 90 to fit over the barrel of the syringe and attach by a snap fit or threading engagement which is at the distal end of the collar. The proximal end of the collar 90 includes a radially outward mounting lug 26 having a surface 70 that is a solid crown shoulder. (See Col. 5, lines 7-19). In the preferred embodiment, as shown in Fig.'s 5 and 6, the collar comprises a pair of mounting lugs spaced 180 degrees apart with respect to the barrel (Col. 5, lines 15-18). Therefore, in Hoover the mounting lugs require connection to the injector by specific orientation and lining up of the lugs at the corresponding opening on the injector designed to receive the lugs. Accordingly, Hoover teaches a rear mounting member that requires a specific orientation relative to the injector. Therefore, Hoover teaches away from a "rear

mounting member [that] is adapted to releasably connect to the syringe retaining mechanism of the injector regardless of the orientation of the syringe adapter with respect to the injector" of Applicants' invention of Claims 1, 14 and 16. Accordingly reconsideration of Claims 1, 14 and 16 is requested.

Further, the Office Action alleges that Trull teaches a removable, non-rotationally-oriented connection for use with a syringe-injector system comprising a plurality of tab members (30) which are engaged by the injector (by the annular ridge 46) (Office Action, page 4, second paragraph). However, Trull discloses an adapter that includes "front slot opening 30 communicating with the third bounding wall 24 of central bore 18 and forming therewith diametrically opposed grooves 32 and 34, and thereby defining diametrically opposed retention flange portions 36 and 38 transverse to the slot opening, for engagement with a syringe, as described below." Col. 6, lines 35-41. Further Trull discloses "[a]t the proximal end of the syringe on the exterior surface thereof are provided diametrically opposed flange or lug members 64 and 66, for engaging and locking the syringe to the adapter 10..." Col 7, lines 25-29. Thus, Trull also discloses that the syringe is rearwardly inserted with the flange members 64 and 66 engaging slot 30 in the adapter 10. After positioning in the slot, the syringe is rotated 90 degrees to lockingly engage flange members 64 and 66 with the internal groove communicating with the slot and forming a retention flange transverse to the direction of slot 30. " Col 7, lines 49-55. Thus, Trull discloses an adapter that is shaped to permit connection to the syringe oriented in a specific location; the diametrically opposed grooves 32 and 34 only permit the connection of the syringe if oriented in the cooperating direction. Therefore, Trull does not disclose the Applicants' inventions of Claims 1, 14 and 16 wherein the rear mounting member is adapted to engage the syringe retaining mechanism of the injector regardless of the orientation of the syringe adapter with respect to the injector or of Claim 2 including wherein the at least one capture member includes an annular surface terminating with a continuous distal ledge.

Accordingly, neither Hoover nor Trull, alone or in combination teaches or suggests applicants' invention. Therefore, reconsideration is requested.

Further, Claims 2-3 and 7-11 depend from Claim 1 which as discussed is believed to be allowable. Accordingly, Claim 2-3 and 7-11 are also believed to be allowable.

2. Claims 1-3, 7-11, 14 and 16 stand rejected under 35 USC 103(a) as being obvious over Hoover in view of Reilly USPN 6,958,053 hereinafter "Reilly". This rejection should be withdrawn in view of the remarks made herein.

The Office Action alleges that "It would have been obvious to one of ordinary skill in the art at the time the invention was made to reverse the tabs-ridge connection of Reilly for use instead of the radial projection (26) of Hoover as an alternate connection means which is easy to use and may be readily substituted for one another.

However, Reilly discloses in FIGS. 5A and 5B that:

syringe 600 includes a generally annular mounting flange 630 formed on a rearward portion thereof. Syringe 600 also includes a generally annular flange or sealing member 650 formed forward of mounting flange 630. Injector 700 includes a retainer 730 to securely connect syringe 600 to injector 700. Retainer 730 includes, for example, a retaining member 750. Retaining member 750 preferably includes a plurality of capture members 752 that are preferably positioned around the circumference of retaining member 750. Each of capture members 752 preferably includes an abutment member 754 on a forward end thereof that is adapted to form an abutting connection with mounting flange 730.

Before loading of syringe 600 on injector 700, capture members 752 are in an open position as illustrated in FIG. 5A in which capture members 752 are flared radially outward so that mounting flange 630 can pass by abutment members 754. Once syringe 600 is placed in loading position by an operator, retaining member 750 is drawn rearward, for example, via cooperation of threading 756 with a cooperating threaded member (not shown). As retaining member 750 is drawn rearward, the radially outer edges of capture members [7]52 contact a radially inward extending surface 732 of retainer 730, thereby drawing abutment members 754 radially inward to engage mounting flange 630. (Col. 9, lines 55-63).

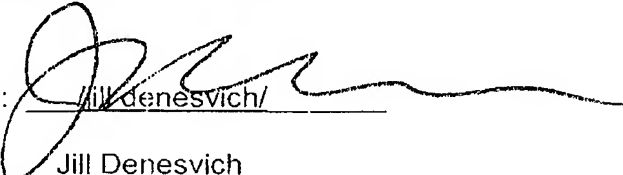
Therefore, Reilly requires that the abutment members 754 can only be attach by a reward movement of the retaining member 750. Therefore, if as alleged in the Office Action, one reverses the tabs-ridge connection of Reilly for use instead of radially projection of Hoover, there would not be a ready substitution because the required structure of the radially inward surface 732 would not be available to draw the abutment members 754 radially inward to engage mounting flange 630 or corresponding mounting flange like structure on the injector. Accordingly, one skilled in the art could not readily substitute

the teaching of Reilly into Hoover and arrive at applicants' invention. Reconsideration of Claims 1-3, 7-11, 14 and 16 is requested.

Further, Claims 2, 3, 7-11 depend from Claim 1 and Claim 17 depends from Claim 15. Independent Claims 1 and 15 which are discussed herein are believed to be allowable. Thus, Claims 2, 3, 7-11 and 17 are also believed to be allowable. Accordingly, reconsideration is requested.

In view of the above amendments and remarks, Applicants submit that the claims are in condition for allowance. Reconsideration of this application is respectfully requested.

Respectfully submitted,

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